

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DAVID W. SPINDLE

§
§
§
§
§

vs.

CKJ TRUCKING, LP, ET AL.

CIVIL ACTION NO. 4:18-cv-818

PLAINTIFF'S MOTION IN LIMINE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, David W. Spindle, and moves the Court prior to commencement of the voir dire examination of the jury panel to instruct Defendants' counsel to refrain from introducing any testimony or pleading, from asking any witness any question, or from making any statement whatsoever with regard to each of the following matters without first obtaining, outside the hearing and presence of the jury, permission of the Court to do so. Plaintiff moves the Court to order that Defendants, by and through counsel, may not make reference to the following matters and the Court having considered these makes the following rulings:

1. No reference to the fact this Motion has been filed, that any ruling has been made by the Court in response to this Motion, that Plaintiff has moved to prohibit proof, or that the Court has excluded proof of any particular matter. F.R.E. 402 and 403.

AGREED:_____

GRANTED:_____

DENIED:_____

2. Defendants may not elicit expert testimony from any of their fact witnesses unless they have been properly designated as experts as required by Federal Rules of Civil Procedure. To allow fact witnesses to give expert opinion testimony would ambush, surprise and be unfair to Plaintiff. FED. R.Civ.P. 26(e)(1)(B); F.R.E. 403.

AGREED:_____ **GRANTED:**_____ **DENIED:**_____

3. Any reference by Defendants to any discovery disputes, discovery hearings before the court, costs paid by any party in this case relative to discovery disputes, or any pre-trial court orders regarding discovery disputes, including any reference which would imply that the Plaintiff or his attorney has not fully complied with all of Defendants' discovery requests and the rules governing discovery.

AGREED:_____ **GRANTED:**_____ **DENIED:**_____

4. Any reference by Defendants to verbal exchanges between counsel (or comments by counsel) during the course of depositions or pretrial hearings. The Plaintiff respectfully requests that all such exchanges be eliminated from any reading or video presentation of any deposition in this cause.

AGREED:_____ **GRANTED:**_____ **DENIED:**_____

5. No mention of any alleged criminal charges, alleged criminal investigations, or criminal allegations regarding Plaintiff.

AGREED:_____ **GRANTED:**_____ **DENIED:**_____

6. Any reference by Defendants to the determination and fact-finding process by the Texas Workforce Commission regarding Plaintiff's claim for unemployment benefits.

AGREED:_____

GRANTED:_____

DENIED:_____

7. Any reference by Defendants that there are too many lawsuits, that litigation is inappropriate for resolution of disputes, or that the jury should not award plaintiff adequate compensation because such an award might adversely affect the defendant, policy holders, or the community.

AGREED:_____

GRANTED:_____

DENIED:_____

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this Court enter its Order on Plaintiff's Motion in Limine regarding Defendants, its witnesses and attorneys, and cause them to refrain from mentioning or bringing out in any manner such matters at any time during the trial of this cause in the presence of the jury without first taking the matter up with the Court.

Respectfully submitted,

RONALD R. HUFF
Attorney and Counselor at Law
112 South Crockett Street
Sherman, Texas 75090
(903) 893-1616 (telephone)
(903) 813-3265 (facsimile)
ronhuff@gcecisp.com

/s/ Ronald R. Huff
Ronald R. Huff (SBN 10185050)

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

On December 6, 2019, the undersigned forwarded a copy of this motion to John Ross, counsel for Defendants, requesting a conference on the motion. On Dec. 7, 2019, Mr. Ross replied he has no objections to Nos. 1-4 as long as they are applied to all parties; he has no objection to Nos. 5 and 7; and he objects to No. 6.

/s/ Ronald R. Huff
Ronald R. Huff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that December 9, 2019 a true and correct copy of the foregoing was forwarded via the CM/ECF System in accordance with the FEDERAL RULES OF CIVIL PROCEDURE to:

John L. Ross
Thompson, Coe, Cousins & Irons, LLP
700 North Pearl Street, Suite 2500
Dallas, Texas 75201

/s/ Ronald R. Huff
Ronald R. Huff